

Nadler to Bush: Learn from the Mistakes of 9/11

Tuesday, 20 September 2005

WASHINGTON, D.C. – Congressman Jerrold Nadler (D-NY) today wrote to President Bush, urging him not to repeat the mistakes the federal government made after 9/11 as recovery efforts get underway on the Gulf Coast. Congressman Nadler, who represents Ground Zero, watched four years ago as the Environmental Protection Agency (EPA) prematurely declared Lower Manhattan safe for reoccupation – and now thousands are sick. Unfortunately, EPA’s handling of the Katrina cleanup shows much of the same haste and denial.

Among the most troubling signs that the federal government is taking a lax approach to cleanup are EPA’s recommendation that average citizens tackle asbestos cleanup, the failure to provide emergency workers with respirators, and – perhaps most frightening – reports that the White House has appointed political guru Karl Rove to head the reconstruction effort.

In his letter, Nadler asked for concrete answers to nine specific questions about the federal government’s commitment to environmental protection in the wake of Katrina. The full text of the letter appears below.

September 21, 2005

The Honorable George W. Bush

President of the United States

The White House

Washington, D.C. 20500

Dear Mr. President:

I write regarding environmental conditions on the hurricane-ravaged Gulf Coast. As you know, the September 11 terrorist attacks in my district produced severe and widespread environmental contamination. When the Twin Towers collapsed, thousands of tons of hazardous materials, such as asbestos, lead, and mercury, were released into the environment. The Environmental Protection Agency (EPA) has yet to properly test and clean up the areas contaminated by the attacks. I am deeply concerned that many of the same mistakes made by EPA in response to 9/11 are being repeated on the Gulf Coast.

I am pleased that you recently expressed concerns about contamination levels in the remaining floodwaters and the muck left behind in drained areas of the city. However, EPA needs to do more to warn and shield people returning to New Orleans from exposure to hazardous contaminants. EPA must do now what it so tragically failed to do in New York: comprehensively test the entire affected area for all possible contaminants and completely clean those areas before people are allowed to return to their homes and businesses.

A troubling example of EPA's failure to protect Americans affected by Hurricane Katrina can be found in this guidance to people returning to homes and businesses: "In handling materials that are believed to be contaminated with asbestos or lead, EPA recommends that, at a minimum, you wear gloves, goggles, and most importantly, OSHA-approved respiratory protection, if available" (EPA Press Release, 9/14/05). This is eerily reminiscent of EPA's post-9/11 suggestion that New Yorkers clean up debris containing asbestos with a "wet rag or wet mop" — a statement that directly contradicts federal guidelines, endangers people's lives, and has already become the subject of lawsuits against the federal government.

In both cases, this advice is dangerous and illegal. Under no circumstances should ordinary residents clean up asbestos. The removal and disposal of asbestos must be carried out only by licensed contractors in compliance with regulations and procedures designed to protect the public health and environment. But because — just as in New York — many of the people returning to the Gulf Coast lack the means to hire contractors, residents will likely be tempted to clean up hazardous debris themselves, or to hire low-wage workers to do the job. It is absolutely essential, therefore, that EPA test for hazardous substances and fully remediate contaminated areas before people are allowed to return.

It is additionally troubling that, despite the recommendation that people wear OSHA-approved respirators when cleaning up hurricane debris, it appears that many of the responders and contractors working on the Katrina recovery effort are not wearing such protection. A photo on the front page of the Washington Post on September 17, 2005 shows Dwanda Tyler, a FEMA contractor, cleaning up debris in the French Quarter wearing nothing but a paper mask (attachment 1). The very next day, the front page of the Washington Post shows other contractors, also in the French Quarter, wearing complete protective suits and respirators (attachment 2).

Why are some contractors given respirators and protective suits but not others? Many of the emergency responders who worked at the World Trade Center were not issued respirators to protect themselves from the toxic fires that burned for months at the site. Now, approximately 75 percent of them are sick, and some have already died. We cannot allow the government to once again send recovery workers into harm's way without adequate protection.

In August 2003, the EPA Inspector General (IG) investigated the agency's response to the September 11 attacks. The IG report found that the limited, unscientific cleanup of selected sites around Ground Zero performed by EPA did not comply with federal laws that govern protection of the public health and environment. The IG report also found disturbing evidence that the White House instructed the EPA to downplay post-9/11 air quality and public health concerns in New York City. I fear that similar negligence and shoddiness will characterize the recovery in New Orleans in the absence of steady leadership and accountability.

It has been reported that you put Karl Rove in charge of the recovery operation (New York Times, September 14, 2005). Do his responsibilities include environmental remediation? If so, what qualifications does Mr. Rove possess that would justify putting him in charge of the health and safety of hundreds of thousands of Americans? If not, who is the individual ultimately in charge of the environmental remediation process?

Despite recent qualified statements from the federal government that the environment is hazardous, EPA has still released very little information regarding the extent of the contamination, and exactly what the agency is doing to follow its federally mandated procedures and protect the health of the public and emergency responders.

The following questions must be answered to restore public confidence in the federal government's handling of the recovery from Hurricane Katrina:

- Has EPA carried out an environmental assessment – not just spot samples – of the entire affected area, including sampling the soil, water and air for all pathogens and hazardous substances?

- Has EPA determined risk for all pathways of exposure – inhalation, ingestion and direct contact?

- Has EPA tested for any specific bacteria, viruses, or fungi other than E. coli?

- Has EPA conducted a hazard ranking of the affected area in accordance with the regulations and procedures under the Comprehensive Environmental Response, Compensation, and Liability Act and the National Contingency Plan?

- Has EPA released all sampling data to the public, including a detailed sampling plan, detection limits and quality assurance documentation?

- Has EPA initiated any action to hold liable oil and chemical companies that have released toxic chemicals into the environment, or to assist with the cleanup of industrial releases?

If the answer to any of these questions is “no,” please provide an adequate explanation.

There are also many unanswered questions about how people returning to the Gulf Coast are supposed to follow government advice given the limitations of the infrastructure:

- The federal government recommends immediately washing any part of the body that comes into contact with the contaminated water or dirt. Where can people in areas with unsafe tap water find uncontaminated water?

- The federal government says the water contains unsafe levels of E. coli and lead. How will boiling the water, as recommended by the government, reduce the lead concentrations?

- How will people boil water in areas without electricity and gas?

Clearly, people should not return to the Gulf Coast until EPA does its job. After 9/11, we let people rush back into contaminated areas. It is imperative that we learn from those mistakes. If we fail to do so, more people will become sick, and possibly even die, because the federal government did not carry out its responsibilities under the law. The Environmental Protection Agency must take action immediately to protect the health of the victims of Hurricane Katrina.

Thank you for attention to this matter. I look forward to a prompt and substantive response.

Sincerely,

Jerrold Nadler

Member of Congress

cc: EPA Administrator Stephen Johnson

Vice Admiral Thad W. Allen

Governor Kathleen Babineaux Blanco

Mayor Ray Nagin

Attachments

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